

DAVIS) that the House suspend the rules and pass the Senate bill, S. 418, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 3, not voting 11, as follows:

[Roll No. 463]

YEAS—418

Abercrombie	Davis (CA)	Honda
Ackerman	Davis (FL)	Hooley
Aderholt	Davis (IL)	Hostettler
Akin	Davis (KY)	Hoyer
Alexander	Davis (TN)	Hulshof
Allen	Davis, Jo Ann	Hunter
Andrews	Davis, Tom	Hyde
Baca	Deal (GA)	Inglis (SC)
Bachus	DeFazio	Inslee
Baird	DeGette	Israel
Baker	Delahunt	Issa
Baldwin	DeLauro	Istook
Barrett (SC)	Dent	Jackson (IL)
Barrow	Diaz-Balart, L.	Jackson-Lee
Bartlett (MD)	Diaz-Balart, M.	(TX)
Barton (TX)	Dicks	Jefferson
Bass	Dingell	Jenkins
Bean	Doggett	Jindal
Beauprez	Doolittle	Johnson (CT)
Becerra	Doyle	Johnson (IL)
Berkley	Drake	Johnson, E. B.
Berman	Dreier	Johnson, Sam
Berry	Duncan	Jones (NC)
Biggert	Edwards	Jones (OH)
Bilbray	Ehlers	Kanjorski
Bishop (GA)	Emanuel	Kaptur
Bishop (NY)	Emerson	Keller
Bishop (UT)	Engel	Kelly
Blackburn	English (PA)	Kennedy (MN)
Blumenauer	Eshoo	Kennedy (RI)
Blunt	Etheridge	Kildee
Boehlert	Evans	Kilpatrick (MI)
Boehner	Everett	Kind
Bonilla	Farr	King (IA)
Bonner	Fattah	King (NY)
Bono	Feeney	Kingston
Boozman	Ferguson	Kirk
Boren	Filner	Kline
Boswell	Fitzpatrick (PA)	Knollenberg
Boucher	Foley	Kucinich
Boustany	Forbes	Kuhl (NY)
Boyd	Ford	LaHood
Bradley (NH)	Fortenberry	Langevin
Brady (PA)	Fossella	Lantos
Brady (TX)	Fox	Larsen (WA)
Brown (SC)	Frank (MA)	Larson (CT)
Brown, Corrine	Franks (AZ)	Latham
Brown-Waite,	Frelinghuysen	LaTourette
Ginny	Galleghy	Leach
Burgess	Garrett (NJ)	Lee
Burton (IN)	Gerlach	Levin
Butterfield	Gibbons	Lewis (CA)
Buyer	Gilchrest	Lewis (GA)
Calvert	Gillmor	Lewis (KY)
Camp (MI)	Gingrey	Linder
Campbell (CA)	Gohmert	Lipinski
Cannon	Gonzalez	LoBiondo
Cantor	Goode	Lofgren, Zoe
Capito	Goodlatte	Lowe
Capps	Gordon	Lucas
Cardin	Granger	Lungren, Daniel
Cardoza	Graves	E.
Carnahan	Green (WI)	Lynch
Carson	Green, Al	Mack
Carter	Green, Gene	Maloney
Castle	Grijalva	Manzullo
Chabot	Gutierrez	Marchant
Chandler	Gutknecht	Markey
Chocoma	Hall	Marshall
Clay	Harman	Matheson
Cleaver	Hart	Matsui
Clyburn	Hastings (FL)	McCarthy
Coble	Hastings (WA)	McCaul (TX)
Cole (OK)	Hayes	McCollum (MN)
Conaway	Hayworth	McCotter
Conyers	Hefley	McCrery
Cooper	Hensarling	McDermott
Costa	Herger	McGovern
Costello	Herseth	McHenry
Cramer	Higgins	McHugh
Crenshaw	Hinche	McIntyre
Crowley	Hinojosa	McKeon
Cuellar	Hobson	McKinney
Culberson	Hoekstra	McMorris
Cummings	Holden	Rodgers
Davis (AL)	Holt	McNulty

Meek (FL)	Putnam	Sodrel
Meeks (NY)	Radanovich	Solis
Melancon	Rahall	Souder
Mica	Ramstad	Spratt
Michaud	Rangel	Stark
Millender-	Regula	Stearns
McDonald	Rehberg	Stupak
Miller (FL)	Reichert	Sullivan
Miller (MI)	Renzi	Sweeney
Miller (NC)	Reyes	Tancred
Miller, Gary	Reynolds	Tanner
Miller, George	Rogers (AL)	Tauscher
Mollohan	Rogers (KY)	Taylor (MS)
Moore (WI)	Rogers (MI)	Taylor (NC)
Moran (KS)	Rohrabacher	Terry
Moran (VA)	Ros-Lehtinen	Thomas
Murphy	Ross	Thompson (CA)
Murtha	Rothman	Thompson (MS)
Musgrave	Roybal-Allard	Thornberry
Myrick	Royce	Tiahrt
Nadler	Ruppersberger	Tiberi
Napolitano	Rush	Tierney
Neal (MA)	Ryan (WI)	Towns
Neugebauer	Ryun (KS)	Turner
Northup	Sabo	Udall (CO)
Norwood	Salazar	Udall (NM)
Nunes	Sánchez, Linda	Upton
Nussle	T.	Van Hollen
Oberstar	Sanchez, Loretta	Velázquez
Obey	Sanders	Visclosky
Oliver	Saxton	Walden (OR)
Ortiz	Schakowsky	Walsh
Osborne	Schiff	Wamp
Otter	Schmidt	Wasserman
Owens	Schwartz (PA)	Schultz
Oxley	Schwartz (MI)	Waters
Pallone	Scott (GA)	Watson
Pascarella	Scott (VA)	Watt
Pastor	Sensenbrenner	Waxman
Payne	Serrano	Weiner
Pearce	Sessions	Weldon (FL)
Pelosi	Shadegg	Weldon (PA)
Pence	Shaw	Weller
Peterson (MN)	Shays	Westmoreland
Peterson (PA)	Sherman	Wexler
Petri	Sherwood	Whitfield
Pickering	Shimkus	Wicker
Pitts	Shuster	Wilson (NM)
Platts	Simmons	Wilson (SC)
Poe	Simpson	Wolf
Pombo	Skelton	Woolsey
Pomeroy	Slaughter	Wu
Porter	Smith (NJ)	Wynn
Price (GA)	Smith (TX)	Young (AK)
Price (NC)	Smith (WA)	Young (FL)
Pryce (OH)	Snyder	

NAYS—3

Flake	Kolbe	Paul
Bilirakis	Cubin	Ney
Brown (OH)	Harris	Ryan (OH)
Capuano	Meehan	Strickland
Case	Moore (KS)	

NOT VOTING—11

□ 1208

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BILIRAKIS. Mr. Speaker, I did not have the opportunity to cast a recorded vote on S. 418. Had I been present, I would have voted "yea."

BORDER TUNNEL PREVENTION ACT OF 2006

Mr. SENSENBRENNER. Madam Speaker, pursuant to House Resolution 1018, I call up the bill (H.R. 4830) to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or reckless permitting (on one's land) the construction or use of a tunnel or sub-

terranean passageway between the United States and another country, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Border Tunnel Prevention Act of 2006".

SEC. 2. CONSTRUCTION OF BORDER TUNNEL OR PASSAGE.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"§ 554. Border tunnels and passages

"(a) Any person who knowingly constructs or finances the construction of a tunnel or subterranean passage that crosses the international border between the United States and another country, other than a lawfully authorized tunnel or passage known to the Secretary of Homeland Security and subject to inspection by the Bureau of Immigration and Customs Enforcement, shall be imprisoned for not more than 20 years.

"(b) Any person who recklessly permits the construction or use of a tunnel or passage described in subsection (a) on land that the person owns or controls shall be imprisoned for not more than 10 years.

"(c) Any person who uses a tunnel or passage described in subsection (a) to unlawfully smuggle an alien, goods (in violation of section 545), controlled substances, weapons of mass destruction (including biological weapons), or a member of a terrorist organization (as defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi))) shall be subject to twice the penalty that would have otherwise been imposed had the unlawful activity not made use of such a tunnel or passage."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"554. Border tunnels and passages."

(c) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by inserting "554," before "1425,".

SEC. 3. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall promulgate or amend sentencing guidelines to provide for increased penalties for persons convicted of offenses described in section 554 of title 18, United States Code, as added by section 1.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that the sentencing guidelines, policy statements, and official commentary reflect the serious nature of the offenses described in section 554 of title 18, United States Code, and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) provide adequate base offense levels for offenses under such section;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(A) the use of a tunnel or passage described in subsection (a) of such section to facilitate other felonies; and

(B) the circumstances for which the sentencing guidelines currently provide applicable sentencing enhancements;

(4) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(5) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(6) ensure that the sentencing guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to House Resolution 1018, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4830, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 4830, the Border Tunnel Prevention Act of 2006, to prohibit the construction and use of border tunnels for the purposes of smuggling.

For over a decade, drug cartels and "coyotes" have used border tunnels to smuggle illicit drugs and illegal immigrants into the United States. Border tunnels range from rudimentary gopher holes to more sophisticated tunnels equipped with electricity, ventilation and even rails for electric carts. These tunnels have been used to penetrate both our northern and southern borders. Fifty tunnels have been discovered along the southwest border since 1990, and 36 of them have been unearthed in just the last 5 years.

This January, a joint investigation between the U.S. and Mexican law enforcement led to the discovery of a narcotics smuggling tunnel just east of the Otay Mesa, California, port of entry. Authorities seized nearly two tons of marijuana. The tunnel, approximately 86 feet deep and nearly three-quarters of a mile long, began inside a small warehouse in Otay Mesa, Mexico, and ended inside a vacant warehouse in San Diego, California.

In 2005, Federal agents discovered a 360-foot tunnel between British Columbia, Canada, and Washington State. This tunnel was also used for illegal drug trafficking, though DEA agents noticed that it could easily have been used to smuggle persons or to facilitate terrorism. We were reminded again of the growing problem just a few days ago when another drug smuggling border tunnel was discovered between California and Mexico.

Despite the clearly illegal purposes of these border tunnels, efforts to fully and effectively prosecute the smug-

glers are hampered by the fact that it is not a crime to construct, finance, or use a border tunnel. If there is insufficient evidence to prosecute these individuals for drug smuggling or alien trafficking, there are virtually no consequences for the criminal organizations that build and use these tunnels.

The Border Tunnel Prevention Act plugs this glaring loophole. The bill criminalizes the construction or financing of a tunnel or subterranean passage across our international border. An individual prosecuted under this offense faces a penalty of up to 20 years in prison. Additionally, any person convicted of using a tunnel or subterranean passage to smuggle aliens, weapons, drugs, terrorists, or illegal goods will be punished by doubling the sentence for the underlying offense.

The bill also provides for the forfeiture of assets or property traceable to the construction or use of a border tunnel and instructs the sentencing commission to adopt guidelines that properly reflect the severity of this offense.

Madam Speaker, the bill is supported by Members from both sides of the aisle. This legislation provides a critical tool for protecting our national security and combating the drug and alien smuggling that plagues our borders. I urge my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I am pleased to yield such time as he may consume to the gentleman from Mississippi (Mr. THOMPSON), the ranking member of the Homeland Security Committee.

Mr. THOMPSON of Mississippi. Madam Speaker, it is with great disappointment that I stand before you today to discuss a bill that fails once again to provide us with a comprehensive approach to handling border security.

Last week, Republicans introduced a border fence bill which was exactly what they voted against in December 2005. Today we are going to discuss three bills already considered by this body. In other words, the Republican leadership is forcing us to participate in their cheap political gambit to mislead the public. Simply put, the Republicans have morphed from a "do-nothing" Congress to a "do-over" Congress. Unfortunately, we continue to have a long way to go, and we will get nowhere with this piecemeal approach they are masterminding.

□ 1215

The Bush administration has had almost 6 years, and the Republican Congress 11 years, to secure the border.

Since 9/11, House Republicans rejected eight Democratic amendments to enhance border security resources. If these Democratic amendments had been adopted, there would be 6,600 more Border Patrol agents, 14,000 more detention beds, and 2,700 more immigra-

tion agents along our borders that now exist.

On December 16, 2005, all 218 House Republicans voting that day opposed a Democratic motion to recommit to H.R. 4437 to improve border security and immigration enforcement by fulfilling the 9/11 Commission's border security recommendations.

Fifty days before election day, the House Republican leadership has scheduled votes on bills we have already voted on. As usual, Republicans are all talk, but cheap on action to securing the border. Last week they voted on a border fence bill, but refused to provide the money needed to build a 700-mile fence along the Texas-Mexico border.

If Republicans were serious, they would have moved forward with a House-Senate conference that protects United States borders, strengthens our Nation's security and addresses the Nation's immigration problems comprehensively. Instead, they spent the summer conducting 22 sham hearings across the Nation.

Republicans talk about the fence as if it is the sole solution. Meanwhile, on September 15, DEA agents discovered yet another tunnel located beneath a residence in Calexico, California, and extending approximately 400 feet to a residence in Mexicali, Mexico.

We are spending \$1.5 billion per week in Iraq, but the Republican leadership will not even commit to funding to secure our Nation's borders.

Democrats do not want to pass the buck on State and local governments to enforce immigration laws simply while the Republican-led Congress and administration fail to properly fund border security officers. States and localities are already robbing Peter to pay Paul by using a huge amount of their homeland security grant funding to secure the border, purchase communications equipment, and fortify bridges, ports and buildings.

Democrats do not want to stay the course on President Bush and the Republicans' failed border enforcement.

Madam Speaker, we need a comprehensive border security and immigration plan, not a piecemeal plan.

Mr. SENSENBRENNER. Madam Speaker, I yield myself ½ minute.

Madam Speaker, we hear complaints all the time about the fact that Republicans are not acting. We are acting today. We acted in December. We acted last week on the fence. We see the Democrat actions. All they do is say no, no, no, no.

They are not where the American people are. They are not where our priorities ought to be. The Senate has not messaged their bill, even though they passed it in May. We are running out of time in this Congress. The American people say border security first.

Madam Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Madam Speaker, I thank the chairman of the Judiciary Committee for the recognition.

I come to the well of the House to politely but profoundly take issue with my friend from Mississippi. You see, party labels do not ensure unanimity any more than trying to cast the challenge we confront as a people through a partisan prism.

I come to the floor of this House to reiterate the basic concern confronting us. The problem we are dealing with at the border is not a Democratic problem. It is not a Republican problem. It is an American problem. And, Madam Speaker, I politely take issue with my friend from Mississippi when he says a comprehensive approach is needed.

The trouble with that notion is that despite the goodwill and best intentions of many, regardless of party affiliation, so-called comprehensive reform subordinates the first and most basic responsibility of government, protection of our citizens to an economic exception of amnesty and special considerations for noncitizens.

To this provision before the House today, which I am proud to bring forward, again from bipartisan concerns, as noted earlier in another debate, the chairman of the Rules Committee mentioned that it was bipartisan, the senior Senator from his State happens to be a Democrat, working with the chairman of the Rules Committee, a Republican; my junior Senator from my State, working with me on this because it is an American problem. The chairman pointed out that there is currently a hole in the law as genuine as some of the holes in our border.

We have to criminalize the financing and construction of border-crossing tunnels that currently serve as smuggler subways and actually promote illegal access to our country. The chairman delineated the threat. Now we see contraband, we see narcotics brought through these tunnels, but the real question before this House and before the American people is this: If narcotics can be smuggled, what of a weapon of mass destruction? Just as assuredly as the House passed the fence bill last week and the other Chamber takes it up in the coming days to move forward, believe me, there will be intense and renewed interest in using subterranean facilities.

We must pass this bill today as part and parcel of what the American people are calling for, and they are calling for enforcement first. Pass this legislation. Let's get this done.

Mr. CONYERS. Madam Speaker, I yield myself as much time as I may consume.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. While my neighbor and friend J.D. HAYWORTH is on the floor, let me gain his attention for just a moment. I am sorry that you do not want a comprehensive bill. Most people do in the Congress. And I would like you to respond to this inquiry: Were there hearings held on this bill in the Homeland Security Committee?

Mr. HAYWORTH. Madam Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Madam Speaker, I am not a custodian of the hearing record in the United States House of Representatives, any more than the gentleman is, no matter the—

Mr. CONYERS. So, in other words, you do not know.

Mr. HAYWORTH. Would the gentleman let me attempt to answer the question?

Mr. CONYERS. No. Let us ask the gentleman another question—

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Will the gentleman suspend?

Mr. CONYERS. Yes, ma'am.

The SPEAKER pro tempore. The gentleman from Michigan has the time. Members may not interject remarks in debate unless they have been recognized or yielded to for such purposes, and a Member under recognition should be allowed to yield and reclaim time in an orderly fashion.

The gentleman may continue.

Mr. CONYERS. Madam Speaker, thank you.

That was for your benefit.

Now, let me ask you another question. Were there Judiciary hearings, even though you are not a custodian of the record? Well, I can answer that one for you. I think you ought to listen to the Madam Speaker a little bit more. You cannot speak on the floor. I know you have been here a while. You cannot interrupt a speaker unless you are yielded to. And I would—

Mr. HAYWORTH. Madam Speaker, will the gentleman yield?

Mr. CONYERS. I would be very happy to yield to answer my question.

Mr. HAYWORTH. Madam Speaker, I would answer his question with an interrogative of my own. Is the gentleman aware of the extensive hearings held this summer by many different Members of the House outside Washington, D.C.—

Mr. CONYERS. Is the answer yes or no?

Mr. HAYWORTH. Equally as valid as any committee hearings held in Washington, D.C., no matter the jurisdiction?

Mr. CONYERS. Taking my time back, I assume that the gentleman knows that the Judiciary Committee did not hold hearings either.

And so we have this very urgent, important bill that has not had one hearing anywhere that I know of, and I think it explains something about the gentleman from Arizona's comment about what the American people want.

Because in today's newspaper, I am reading that only 25 percent in a poll voice approval of the Congress, an echo of 1994 findings. Links to special interests are cited. Standing of Bush also lags.

So I do not know if we are doing what the people really want that much. I think it is because we are not doing

what the people want and are not moving an immigration bill which has passed this House, the counterpart has passed in the Senate, and we have not gone to conference yet. Somebody in the course of this discussion and debate ought to be able to explain why that is.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield myself 1 minute.

First of all, the gentleman from Michigan says that we have not had any hearings in the Judiciary Committee. Since I became the chairman, we have had 68 hearings on the need to strengthen border security and enforcement of immigration law, and I will include the list of all 68 hearings in the RECORD at this point.

109TH CONGRESS

Immigration, Border Security, and Claims 7-27-2006 Oversight—Oversight Hearing on "Whether Attempted Implementation of the Senate Immigration Bill Will Result in an Administrative and National Security Nightmare."

Immigration, Border Security, and Claims 7-18-2006 Oversight—Oversight Hearing on "Should We Embrace the Senate's Grant of Amnesty to Millions of Illegal Aliens and Repeat the Mistakes of the Immigration Reform and Control Act of 1986?"

Immigration, Border Security, and Claims 6-22-2006 Oversight—Oversight Hearing on "Is the Labor Department Doing Enough to Protect U.S. Workers?"

Immigration, Border Security, and Claims 6-8-2006 Oversight—Oversight Hearing on "The Need to Implement WHTI to Protect U.S. Homeland Security."

Immigration, Border Security, and Claims 5-18-2006 Hearing—Legislative Hearing on H.R. 4997, the "Physicians for Underserved Areas Act."

Immigration, Border Security, and Claims 3-30-2006 Oversight—Oversight Hearing on "Should Congress Raise the H-1B Cap?"

Immigration, Border Security, and Claims 3-2-2006 Oversight—Joint Oversight Hearing on "Outgunned and Outmanned: Local Law Enforcement Confronts Violence Along the Southern Border."

Immigration, Border Security, and Claims 11-17-2005 Oversight—Oversight Hearing on "How Illegal Immigration Impacts Constituencies: Perspectives from Members of Congress (Part II)."

Immigration, Border Security, and Claims 11-17-2005 Oversight—Joint Oversight Hearing on "Weak Bilateral Law Enforcement Presence at the U.S.-Mexico Border: Territorial Integrity and Safety Issues for American Citizens."

Immigration, Border Security, and Claims 11-10-2005 Oversight—Oversight Hearing on "How Illegal Immigration Impacts Constituencies: Perspectives from Members of Congress (Part I)."

Immigration, Border Security, and Claims 9-29-2005 Oversight—Oversight Hearing on "Dual Citizenship, Birthright Citizenship, and the Meaning of Sovereignty."

Immigration, Border Security, and Claims 9-15-2005 Oversight—Oversight Hearing on: "Sources and Methods of Foreign Nationals Engaged in Economic and Military Espionage." (Classified portion of hearing begins at 1 p.m.)

Immigration, Border Security, and Claims 9-15-2005 Oversight—CONTINUATION OF UNCLASSIFIED PORTION OF Oversight—Hearing on: "Sources and Methods of Foreign Nationals Engaged in Economic and Military Espionage."

Immigration, Border Security, and Claims 9-8-2005 Markup Subcommittee on Immigration, Border Security & Claims—Markup of H.R. 1219, the “Security and Fairness Enhancement for America Act of 2005.”

Immigration, Border Security, and Claims 7-28-2005 Markup Subcommittee on Immigration, Border Security & Claims Markup of H.R. 1219, the “Security and Fairness Enhancement for America Act of 2005.”

Immigration, Border Security, and Claims 6-30-2005 Oversight—Oversight Hearing on “Immigration Removal Procedures Implemented in the Aftermath of the September 11th Attacks.”

Immigration, Border Security, and Claims 6-28-2005 Hearing Legislative Hearing on H.R. 2933, the “Alien Gang Removal Act of 2005.”

Immigration, Border Security, and Claims 6-21-2005 Oversight—Oversight Hearing on the “Lack of Worksite Enforcement & Employer Sanctions.”

Immigration, Border Security, and Claims 6-15-2005 Oversight—Oversight Hearing on the “Diversity Visa Program.”

Immigration, Border Security, and Claims 5-12-2005 Hearing Legislative Hearing on H.R. 98, the “Illegal Immigration Enforcement and Social Security Protection Act of 2005.”

Immigration, Border Security, and Claims 5-5-2005 Oversight—Oversight Hearing on the “New ‘Dual Missions’ of the Immigration Enforcement Agencies.”

Immigration, Border Security, and Claims 5-4-2005 Oversight—Oversight Hearing on “New Jobs in Recession and Recovery: Who are Getting Them and Who are Not?”

Immigration, Border Security, and Claims 4-21-2005 Oversight—Oversight Hearing on “October 2005 Statutory Deadline for Visa Waiver Program Countries to Produce Security Passports: Why It Matters to Homeland Security.”

Immigration, Border Security, and Claims 4-13-2005 Oversight—Oversight Hearing on “Immigration and the Alien Gang Epidemic: Problems and Solutions.”

Immigration, Border Security, and Claims 3-10-2005 Oversight—Oversight Hearing on “Interior Immigration Enforcement Resources.”

Immigration, Border Security, and Claims 3-3-2005 Oversight—Oversight Hearing on the “Immigration Enforcement Resources Authorized in the Intelligence Reform and Terrorism Prevention Act of 2004.”

108TH CONGRESS

Immigration, Border Security, and Claims 6-23-2004 Oversight—Oversight Hearing on “Families and Businesses in Limbo: The Detrimental Impact of the Immigration Backlog.”

Immigration, Border Security, and Claims 6-17-2004 Oversight—Oversight Hearing on “Families & Businesses in Limbo: The Detrimental Impact of the Immigration Backlog.”

Immigration, Border Security, and Claims 6-3-2004 Markup—Subcommittee Markup on H.R. 4453, the “Access to Rural Physicians Improvement Act of 2004.”

Immigration, Border Security, and Claims 5-18-2004 Oversight—Oversight Hearing on “Pushing the Border Out on Alien Smuggling: New Tools and Intelligence Initiatives.”

Immigration, Border Security, and Claims 4-29-2004 Oversight—Oversight Hearing on the “Diversity Visa Program, and its Susceptibility to Fraud and Abuse.”

Immigration, Border Security, and Claims 4-1-2004 Hearing—Legislative Hearing on H.R. 3191, To prescribe the oath of renunciation and allegiance for purposes of the Immigration and Nationality Act.

Immigration, Border Security, and Claims 3-24-2004 Oversight—Oversight Hearing on

“How Would Millions of Guest Workers Impact Working Americans and Americans Seeking Employment?”

Immigration, Border Security, and Claims 3-18-2004 Oversight—Oversight Hearing on “US VISIT: A Down Payment on Homeland Security.”

Immigration, Border Security, and Claims 3-11-2004 Oversight—Oversight Hearing on “Funding for Immigration in the President’s 2005 Budget.”

Immigration, Border Security, and Claims 3-4-2004 Oversight—Oversight Hearing on “Alien Removal Under Operation Predator.”

Immigration, Border Security, and Claims 2-25-2004 Oversight—Oversight Hearing on “Funding for Immigration in the President’s 2005 Budget.”

Immigration, Border Security, and Claims 10-30-2003 Oversight—Oversight Hearing on the “Prospects for American Workers: Immigration’s Impact.”

Immigration, Border Security, and Claims 10-16-2003 Oversight—Oversight Hearing on “Visa Overstays: A Growing Problem for Law Enforcement.”

Immigration, Border Security, and Claims 10-1-2003 Hearing—Legislative Hearing on H.R. 2671, the “Clear Law Enforcement for Criminal Alien Removal Act of 2003” (CLEAR Act).

Immigration, Border Security, and Claims 9-11-2003 Oversight—Oversight Hearing on “Should There Be a Social Security Totalization Agreement with Mexico?”

Immigration, Border Security, and Claims 7-15-2003 Markup—Subcommittee Markup of H.R. 2152, To amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program.

Immigration, Border Security, and Claims 7-11-2003 Oversight—Oversight Hearing on “Immigration Relief Under the Convention Against Torture for Serious Criminals and Human Rights Violators.”

Immigration, Border Security, and Claims 6-26-2003 Oversight—Oversight Hearing on “The Federal Government’s Response to the Issuance and Acceptance in the U.S. of Consular Identification Cards.”

Immigration, Border Security, and Claims 6-24-2003 Oversight—Oversight Hearing on “The Deadly Consequences of Illegal Alien Smuggling.”

Immigration, Border Security, and Claims 6-19-2003 Oversight—Oversight Hearing on “The Issuance, Acceptance, and Reliability of Consular Identification Cards.”

Immigration, Border Security, and Claims 5-13-2003 Oversight—Oversight Hearing on “John Allen Muhammad, Document Fraud, and the Western Hemisphere Passport Exception.”

Immigration, Border Security, and Claims 5-8-2003 Oversight—Oversight Hearing on “War on Terrorism: Immigration Enforcement Since September 11, 2001.”

Immigration, Border Security, and Claims 5-6-2003 Hearing—Legislative Hearing on H.R. 1714, H.R. 1275, H.R. 1799, H.R. 1814, and H.R. 1685, the “House Military Naturalization Bills.”

Immigration, Border Security, and Claims 4-10-2003 Oversight—Oversight Hearing on “Department of Homeland Security Transition: Bureau of Immigration and Customs Enforcement.”

Immigration, Border Security, and Claims 4-2-2003 Oversight, Oversight Hearing on “Immigration Student Tracking: Implementation and Proposed Modifications.”

Immigration, Border Security, and Claims 2-27-2003 Oversight, Oversight Hearing on “New York City’s ‘Sanctuary’ Policy and the Effect of Such Policies on Public Safety, Law Enforcement, and Immigration.”

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“Immigration and Naturalization Service and the Executive Office for Immigration Review”, 5-15-2001 Oversight Hearing

“Guestworker Visa Programs”, 6-19-2001

“United States Population and Immigration”, 8-2-2001

“Using Information Technology to Secure America’s Borders: INS Problems with Planning and Implementation,” 10-11-2001

“Immigration and Naturalization Service Performance: An Examination of INS Management Problems,” 10-17-2001

“A Review of Department of Justice Immigration Detention Policies,” 12-19-2001

“The Operations of the Executive Office for Immigration Review,” 2-6-2001

“Implications of Transnational Terrorism and the Argentine Economic Collapse for the Visa Waiver Program,” 2-28-2001

“The INS’ March 2002 Notification of the Approval of Pilot Training Status for Terrorist Hijackers Mohammed Atta and Marwan Al-Shehhi”, 3-19-2001

“Immigration and Naturalization Service and Office of Special Counsel for Immigration Related Unfair Employment Practices,” 3-21-2001

The INS’ Interior Enforcement Strategy, 6-19-2002

Risk to Homeland Security from Identity Fraud and Identity Theft (Held jointly with the Subcommittee on Crime, Terrorism, and Homeland Security), 6-25-2002

“Role of Immigration in the Proposed Department of Homeland Security pursuant to H.R. 5005, the Homeland Security Act of 2002.”

“The INS’s Implementation of the Foreign Student Tracking Program,” 9-18-2002

“Preserving the Integrity of Social Security Numbers and Preventing Their Misuse by Terrorists and Identity Thieves (Held jointly with the Subcommittee on Social Security of the Committee on Ways and Means),” 9-19-2002

“The INS’s Interactions with Hesham Mohamed Mohamed Ali Hedayet,” 10-9-2002

“United States and Canada Safe Third Country Agreement,” 10-16-2002

Secondly, again, this Congress is running out of time. It is not the fault of anybody in the House of Representatives why a conference has not been created. We cannot set up a conference without the other body sending papers to us. They have not sent us the papers on the bill that they passed in May. Once the papers are here, then somebody can make a motion to send the bill to conference, but until the papers are here, there is nothing to send to conference.

On the other hand, when we passed our immigration bill last December, the papers had been sitting over in the other body. They can set up the conference merely by taking up the House-passed bill, striking out all after the enacting clause, inserting the Senate text and asking for a conference. They have not done it.

Madam Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

(Mr. SOUDER asked and was given permission to revise and extend his remarks.)

Mr. SOUDER. Madam Speaker, first off, I have had hearings on this very subject, not as a whole, but because certain gentlemen may only be absorbed in their own realm and may not

realize that there is a narcotics subcommittee on drug policy and criminal justice. We have had multiple hearings on the border over the past few years, multiple.

It has been brought to the attention in a bipartisan way about this problem with tunnels, and I am thrilled that the Judiciary Committee chairman has brought this bill. There have been 50 of these tunnels, 51 now with the new one just recently. There is a huge problem in the narcotics area.

The reason it is primarily an issue in the narcotics area is because of the cost of building these tunnels, because of the engineering, particularly the ones with lighting and ventilation, that go between warehouse to warehouse is so expensive, that you basically want to use it for high-dollar items. The high-dollar items are usually cocaine, heroin, marijuana. Narcoterrorism on the major streets in the United States is coming through these tunnels, and it is about time we dealt with this subject.

Furthermore, it appears, and the DEA believes, that the people who engineer and design these tunnels are then murdered afterwards, and sometimes the tunnels work night and day. The one in January was a larger one and appeared to be working night and day and were discovered; other ones they would only bring open for high-value targets to move through.

Now, a high-value target is in the eyes of the person willing to pay. Yes, cocaine, heroin, and those are the general things moved through, but a high-value target can also be a terrorist. A high-value target can also be someone who is dealing with chemical, biological or nuclear weapons, because they are willing to pay the amount to move through those tunnels. It is more than worth it to the person who built the tunnel to recoup their costs.

This is extremely important. It is a loophole in the law that we need to address.

I also serve on the border subcommittee on Homeland Security. The fact is we are making progress. We are stopping these people. The fact is the DEA, through their hard effort, have found 51 of these tunnels. What we need is a law that holds the people accountable who have done this, and it is that we cannot sit around and wait for the Senate to come back on all this kind of stuff. This should be done now, and the border needs to be secured.

I favor looking at comprehensive, but first seal this border. I thank the chairman for his leadership.

Mr. Speaker, given the more vigorous efforts in recent years to intercept drug traffickers on the high seas, drug-trafficking organizations (DTOs) have clearly shifted their operations to the U.S.-Mexico border. The vast bulk of these drugs are smuggled through the ports of entry and—to a lesser extent—between those ports. Such illegal shipments are difficult to intercept, in part due to the enormous volume of legitimate traffic of people and goods at these locations. But recent dis-

coveries of sub-terranean tunnels crossing the border point to the problem of a growing sophistication and determination of the DTOs to inflict their deadly product on the people of this country, regardless of expense and labor.

As the lead Federal agency tasked with bringing down the DTOs both in this country and abroad, the Drug Enforcement Administration (DEA) is well aware of this threat and has worked ceaselessly to counter it. Working with their Federal, State, local and foreign counterparts, the DEA has worked hard to develop confidential sources in this country and abroad who will provide information leading to the discovery of more of these tunnels.

It is evident from the size and sophistication of recently discovered tunnels that they are linked to some of the largest and most ruthless DTOs operating along our borders. Financial resources to construct and operate these tunnels cost millions of dollars, which are only available to these large-scale organizations. Tunnels discovered by DEA have been equipped with reinforced ceilings, water evacuation and ventilation systems, and even concrete floors. However, the smuggling of drugs through these tunnels can result in a significant return on this investment. As such, the discovery and removal from service of these tunnels significantly disrupts the operations of these organizations which count on these conduits for entry into the U.S. Most importantly, closing down these underground corridors hits the DTOs where it hurts—their bank accounts.

Recent successes have been encouraging.

The most ambitious of these was discovered on January 26 of this year, a tunnel which opened into a vacant warehouse just east of the Otay Mesa port of entry in California. A tip from a confidential informant to the Tunnel Task Force—staffed by DEA and Immigration and Customs Enforcement (ICE)—led to the discovery of this tunnel, which started 150 yards south of the border and proceeded an incredible one-half mile into the United States. A DEA investigation determined that the tunnel—which was equipped with electric lighting and ventilation—had probably been operating since November and had been used day and night since its completion to smuggle marijuana and other illegal drugs into the country. Any trucks leaving the warehouse loaded with drugs would have quickly disappeared into the steady and heavy traffic of legitimate goods flowing through that immediate area.

Thanks to the hard work of DEA and other agencies, at least 51 of these tunnels have been discovered and shut down already. Almost all of these are in the San Diego and Tucson sectors of the border. Of note, Federal, state, and local organizations have banded together and fused resources in the establishment of a Tunnel Task Force, which is responsible for bringing to justice those responsible for this threat to our national security. Officers from DEA, ICE, CBP, the San Diego Police Department, Chula Vista Police Department, and the National City Police Department all participate in this endeavor.

But the discovery of a tunnel under the U.S.-Canada border into Washington State shows that our northern border can also be threatened by this new smuggling tactic. DEA agents working with their counterparts in the Royal Canadian Mounted Police discovered the 360-foot long tunnel after setting up secret surveillance on the American side in early

July. Three Canadian citizens were recorded moving large bags through the tunnel which later were found to contain heavy loads of marijuana and ecstasy. These individuals were later arrested, pled guilty to various offenses and were sentenced to nine years in Federal prison.

Finally, we can hardly forget that the terrorists who attacked us on September 11, 2001 did so under false pretenses. We have increased our security considerably since then, and this undoubtedly makes the possibility of entering this country through one of these tunnels a more attractive proposition for potential terrorists. While the DTOs are not likely to use their tunnels for smuggling average illegal immigrants, they might allow them to be used by special-interest aliens for the right price. Therefore, we can be thankful for all the efforts of DEA and other agencies to detect and shut down these tunnels before they lead to catastrophic harm to our people.

Mr. Speaker, the problems of cross-border tunnels is urgent and growing, and we would be shirking our duty to the people if we dither any more. We don't need to study and ponder the challenge any longer. We need to pass this bill now and give Federal agencies like DEA stronger leverage in going after those people who seek to use this insidious method to smuggle dangerous narcotics and—potentially—dangerous people into our country.

□ 1230

Mr. CONYERS. Madam Speaker, I now yield with pleasure to the ranking member of the Judiciary Subcommittee on Immigration, Ms. SHEILA JACKSON-LEE, as much time as she may consume.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, the gentleman from Michigan has been waging a valiant defense, if you will, of the ongoing efforts that we have made to confront this issue.

Might I take some of my time to correct the record. A good friend of mine who was just here on the floor did not want to answer some very simple questions. And you need not be the custodian of any records to know whether there have been specific hearings in the Homeland Security Committee on these bills. I am a member of that committee, and the answer is absolutely not. That is regular order. We do that not to hear ourselves talk; we do that so the American people can have a truly vetted bill that really addresses the question that you are concerned about. Then, if we want to know whether they have been in front of the Judiciary Committee, they have not. So we have not had an opportunity to determine the concreteness, if you will, of these bills and whether or not they will work.

The other aspect of it, let me let you attend to this factor, these are authorizing bills. None of these will go anywhere if they are not appropriated, if there are funds that are not appropriated. And that has been the general issue.

I listened to the eloquence of my friend from Indiana, and I agree with

him. There is no debate here on the floor regarding the criminalizing of those who build a tunnel. That is a commonsense, no-debate question. If you have a tunnel, and those who build it, many of the individuals who do it are coming across for criminal reasons, drug smugglers and others, then we should have some response.

But what we do today is only isolated today. There is no question that we have delayed and delayed and delayed and delayed the work of this House and this Senate and this body. We have delayed it because we passed 2, 3, 4 months ago comprehensive immigration reform. You may not have liked the bill out of the House, you may have voted for it or voted against it, but it did pass. You may not have liked the Senate bill. You may have voted "yes" or "no," but it passed. Regular order.

And I want to correct the record. Over and over again we hear: we can't do our job because they haven't sent papers. Well, my question is, did they not send papers on the Iraq resolution and we didn't resolve it? Did they not send papers on the Medicare bill? This is a paper response. This is a straw man's response.

Let me tell you what is being discussed. In the Senate bill there are what we call fee enhancers or tax provisions. The only authorizing entity that can increase taxes is the United States House of Representatives. Now, isn't it interesting that the House is controlled by Republicans, the Senate is controlled by Republicans. So, in essence, the Republicans can get together and work it out.

They want to have this conflict because, in fact, one of the Members here, it is alleged, in the House side would blue slip the Senate bill, this is all complicated, and that means they would stop it from going to conference. All of that can be worked out, my friends. That is like a playground squabble between siblings. And we know that it can be worked out. Mother can come to the playground, teacher can stop the siblings. But they want to use that as an excuse so they can frustrate the process and make the American people think we are doing our job.

Even if we pass this bill, which I think it is almost going to be quite a big vote because we are arguing against nothing and we are arguing against something that could have been handled in, if you will, in conference, there is no money. There is no money to do some of the things that many of these bills will be engaged in. And, frankly, that is why we come to the floor with these complaints.

Why not do comprehensive immigration reform, get ourselves in a posture to be able to appropriate immediately even in this session the dollars that we will need to fund comprehensive reform? The Border Tunnel Prevention Act will facilitate the prosecution of people who build or use tunnels across the border illegally. It will not secure our borders. It is not the only thing. I

have seen tunnels, I want them to be thwarted, and I want to make sure we have a system of protection of our borders. And, frankly, we have failed. We have failed that we don't have enough Customs and Border Protection agents so that when you come through the northern border and we note something suspicious and we are at the port of entry and we are in the outside area, there is not enough Custom and Border Protection agents that are there for what we call secondary inspection. That is shame on us.

This Congress, this Republican Congress, has refuted time and time again Democratic amendments that would have generated 14,000 detention beds, increased U.S. marshals, increased Border Patrol agents. It is all falling at the feet of this majority. Now they want to rush to the floor bills that have already been passed, but yet we haven't had any hearings to suggest that there might be some additions we might add. The rule is closed so we couldn't give you any enhanced, maybe we want to have immediate 100,000 detention beds. We couldn't even offer an amendment.

So, my friends, I simply want to suggest as the distinguished ranking member, and I want to thank him for his leadership, he has attended and been eloquent at the field hearings. And I think he would agree with me, in the ones that both of us have attended we were looking for the Americans, if you will. When I say that, we were looking for the people in Detroit, we were looking for the people in Iowa, we are looking for the people in New York; and all we had were witnesses. We appreciate those witnesses, who had been here over and over again in testimony in Washington. So when my good friend the chairman speaks about, and others about, these hearings, let me make it very clear. Whether you were against or for immigration, you are outside the room or you were in the audience. You were not witnesses. I mean, I went to many and there were protesters for and against. We didn't let them speak. And so it is disingenuous to suggest that these hearings heard anything from America.

When I went to Iowa, every single religious leader, bishops of the Lutheran Church, of the Methodist Church, and many others stood against the House bill. They were not allowed to testify. And in Houston, the chairman there played a 1992 tape about violence at the border. Couldn't even have current information.

Lastly, as I close, I have been working on this drug issue and drug violence for a number of years. I sit on the Subcommittee on Crime. I have toured the Caribbean and seen some of the work of our DEA agents. It is unfortunate that we mix drug violence at the border, which does occur, and we need funding of drug enforcement agents with this issue of immigration. Drug dealers use any mode so they may be engaged in smuggling, but that issue

needs its own hard crush of the law, it needs its own separate funding, it needs its own enhancement of drug enforcement agents who are out there working every day and we are underfunding them.

So when we talk about immigration, I go to my seat by simply saying, bring the tunnel prosecution on. This bill was offered by Senator FEINSTEIN on the Senate side. But the method and the methodology is failed. We need comprehensive immigration reform, we need a pathway to citizenship, we need to stop the farce, and we certainly need to stop telling the American people by passing these bills without funding that they are going to be any more secure than they were yesterday.

Democrats put their money where their mouth was and offered any number of amendments since 2004, all to be defeated by this Republican majority. I would think the question needs to be asked, are you serious, or you playing with the minds and hearts of the American people? My belief is that the American people deserve better, and comprehensive immigration reform is the call of the day.

I rise in opposition to the Border Tunnel Prevention Act of 2006, H.R. 4830. The Border Tunnel Prevention Act would make the construction and financing of tunnels crossing the U.S. international border a crime subject to a fine and up to 20 years of imprisonment. Also, landowners who know about or recklessly disregard the construction or use of a border tunnel would be subject to a fine and up to 10 years of imprisonment.

Border tunnels are a problem. A significant number of tunnels have been detected in recent years, and the fences that will be erected pursuant to a recently passed fence bill will result in even more tunnels. I agree that we need to prosecute people involved in building or using them. The question, however, is not whether we should facilitate such prosecutions but whether we should pass such narrowly focused legislation before we have addressed the larger immigration problems.

The Border Tunnel Prevention Act will facilitate the prosecution of people who build or use tunnels to cross the border illegally. It will not secure our borders. If tunnels cannot be built to cross under a fence, the immigrants simply will go around the fence. Instead of voting on H.R. 4830 and other bills that raise a few issues on a piecemeal basis, we should be going to conference to resolve the differences between the House and Senate immigration reform bills that have already passed.

If we fix our broken immigration system and provide a sufficient number of visas for lawful entries, we will not need to worry about tunnels that take people across the border.

Mr. SENSENBRENNER. Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield myself the balance of the time.

I think we ought to get back to what this bill does so that Members are properly advised on how to cast their votes.

What the bill does is to create a criminal offense to prohibit the unauthorized construction, financing, or reckless permitting on one's land the construction or use of a tunnel or subterranean passageway between the United States and another country.

Now, if you want that to be criminal, vote "aye," and if you don't, vote "no." I am going to vote "aye." I hope all the Members do.

Mr. SCHIFF. Madam Speaker, I rise today to express my support for H.R. 4830, the Border Tunnel Prevention Act.

Since September 11th, I have been extremely concerned with the security of our Nation's points of entry and the securing of weapons of mass destruction.

I have worked with my colleagues to establish screening of our air cargo, to deploy radiation detectors at our ports and borders, and to secure nuclear materials throughout the world. Most recently, I have worked with Senators FEINSTEIN and KYL on securing our seaports from terrorist attacks and sabotage, legislation that was signed into law earlier this year.

That is why the discovery in January of this year of a 2,400 foot tunnel near San Diego which was equipped with sophisticated draining, lighting, and pulley systems should shock the conscience of every Member of Congress. In fact, just this week, the U.S. Drug Enforcement Administration announced that they had discovered yet another cross-border drug-smuggling tunnel beneath a private residence in Calexico, California, that extended nearly 400 feet to a house in Mexicali, Mexico.

This is not a California problem or an Arizona problem—it is a national one.

Madam Speaker, all of our other efforts to secure our Nation's points of entry will be futile if this growing national security problem on our borders is not addressed. Although these tunnels have been principally used to smuggle drugs and illegal immigrants, there is nothing preventing their use for the smuggling of chemical, biological, or radiological material. The 9/11 Commission warned against a "failure of imagination", and it takes little to imagine terrorists making use of these holes in our border security.

Since 9/11, U.S. border officials have discovered 40 tunnels along American borders. They range in complexity from short "gopher holes" to massive drug-cartel built passages like the one found near San Diego in January.

We know that terrorists have and will continue to try to enter our country via our borders. The 2000 LAX millennium bomb attack plot was foiled when a terrorist was arrested at the U.S.-Canadian border after crossing by ferry. Customs officials found nitroglycerin and four timing devices concealed in a spare tire well of his automobile.

I am proud to be an original cosponsor to the legislation that we are considering today which would impose a punishment of up to 20 years in prison for individuals who are convicted of constructing or financing a subterranean tunnel under the U.S. border. It would, furthermore, impose a punishment of up to 10 years in prison for anyone who permits others to construct or use an unauthorized tunnel on their land. The bill also doubles penalties for those who use a tunnel or subterranean passage to smuggle aliens, weapons, drugs, terrorists or other illegal goods, and permits the

seizure of assets of anyone involved in the offense, or any property that is traceable to the offense.

While those attempting to enter our country were being closely scrutinized and airline passengers were taking their shoes off or turning over their nail clippers, 40 border tunnels were being constructed in the United States, and thousands of pounds of illegal drugs and illegal aliens were pouring into our country.

Those patrolling our borders believe there is a direct correlation between the increased fortification of the border and the increase in the number of tunnels being found. If this problem is not addressed, it will just be a matter of time before these tunnels serve as an entry point for weapons and explosives, dangerous materials, and terrorists.

As a former federal prosecutor, I can appreciate how this legislation will serve as a useful tool in going after those who finance or construct these tunnels.

If the tunnel discovered earlier this week in Calexico, California, had been abandoned with no evidence remaining of drug or alien smuggling, those responsible for its construction should not be free from punishment. And those who negligently permit a tunnel opening or passage on their property should not be able to escape harsh penalties.

I appreciate the opportunity to work with Senators FEINSTEIN and KYL and Representatives DREIER and HUNTER on this important legislation and I applaud Senator FEINSTEIN's leadership on this crucial issue.

We must address this crucial national security matter, and I ask my colleagues to join me in supporting this much-needed legislation to stiffen penalties and successfully prosecute those who construct or finance tunnels under the U.S. border.

Mr. BLUMENAUER. Mr. Speaker, it is time to stop this charade on immigration. Since the Republican leadership is unable to reach an agreement with its members, or even their Republican president, they have become more interested in producing harsh rhetoric and meaningless acts than passing comprehensive and realistic immigration reform.

The House and Senate have each passed their respective bills. It is past time to convene a conference committee to reconcile these bills. Both chambers must work together to reach an agreement that produces true immigration reform instead of wasting its time harassing immigrants and local businesses and passing meaningless provisions that have little chance of becoming law.

Mr. DREIER. Madam Speaker, illegal border tunnels entering our country undermine our efforts to protect the border and pose a significant threat to our national security. Last January, I was shocked to hear that the San Diego Tunnel Task Force, a group composed of agents from the Border Patrol, Immigration and Customs Enforcement (ICE), and Drug Enforcement Administration (DEA), discovered an elaborate border tunnel connecting Otay Mesa, California and Tijuana, Mexico; a complex 2,500 foot tunnel complete with electricity and ventilation systems, and harboring two tons of marijuana. Just last weekend, officials discovered a 400 foot tunnel connecting Calexico, California and Mexicali, Mexico. This tunnel was equipped with lighting and supported by wooden beams.

The underground corridors prove just how persistent the criminals and drug smugglers

who quietly slip into our country are. The existence of these tunnels also points to an even more ominous danger: they could be used by terrorists to exploit our porous borders and strike within the U.S. Unfortunately, the Otay Mesa and Calexico tunnels are just two of several underground corridors discovered between America's land borders, trafficking unknown numbers of individuals and illicit substances. In fact, 38 border tunnels have been discovered since September 11, 2001. All but one was on the Southern border.

Using manpower and technology to find these tunnels and shut them down will not stop others from being built and used. Tunneling will only begin to subside after tough and clear penalties are enacted for anyone involved in this pernicious violation of our border and our sovereignty. Surprisingly, the laws on the books are ineffectual and, in many ways, non-existent. This is a serious problem that deserves serious punishment for anyone who so flagrantly compromises our border security.

The Border Tunnel Prevention Act criminalizes the construction of border tunnels that span our international borders. Specifically, the bill creates a new Federal law to criminalize the construction of illegal border tunnels crossing into the U.S., punishable by a maximum 20 years in prison. It also imposes a maximum 10-year prison sentence on those who recklessly allow others to build such tunnels on their land. In addition, the bill doubles the sentence for using a tunnel to smuggle aliens, weapons, drugs, terrorists, or illegal goods. For example, under current law, knowingly smuggling an illegal alien into the U.S. is punishable by a maximum 10-year prison sentence. Under this bill, that penalty would double to a maximum 20-year prison term if the illegal alien was smuggled in through an illegal border tunnel. Finally, the bill enables the Federal Government to seize any of the assets or property involved in the construction of the illegal border tunnel.

The Border Tunnel Prevention Act is just the latest example of House Republicans taking a strong stand when it comes to border security. House Republicans have provided the funding to hire 1,500 new Border Patrol agents this year and 1,200 next year. Last December, we passed H.R. 4437, the Border Security Protection, Antiterrorism, and Illegal Immigration Control Act to enhance border security and reform our outdated immigration laws. Last week, we approved H.R. 6061, the Secure Fence Act, to construct fences at five specific border zones where deaths are common, drug smuggling is rampant and illegal border crossings are numerous. And today, we will consider legislation to swiftly detain and deport dangerous illegal immigrants and enhance prosecution of alien smugglers, cooperation between local law enforcement and Federal immigration officials, and removal of illegal immigrants.

Cracking down on those who use and construct tunnels, as well as those who allow them to be constructed on their property, is another commonsense step to our full-court press to securing our border. When combined with a strengthened Border Patrol, enhanced use of sensory technology, and strategic fencing in heavily trafficked areas, we will have an across-the-board approach to smarter border

security. Over land, in the air, and underground, we must make a commitment to control and secure the border. I urge all my colleagues to support this important border security bill.

Mr. STARK. Madam Speaker, I rise in opposition to H.R. 4830, the Border Tunnel Prevention Act, H.R. 6094, the Community Protection Act, and H.R. 6095, the Immigration Law Enforcement Act. Only in the backward world of Republican campaign strategy would passing more ineffective bills be seen as a way to highlight "progress" on illegal immigration.

I hope that the American people ask what happened to the massive immigration bill that the House passed in December. I hope they question why House Republicans are today spending time debating three bills they know the Senate will never consider. The truth is that Republicans aren't interested in stopping illegal immigration. If they were, they'd crack down on employers. Or at least make an effort to resolve differences with their colleagues in the Senate.

If you define progress by anything other than fear-mongering rhetoric, then this Congress is no more likely to secure the border than the Capitol Police are to stop an armed intruder.

Because this Republican Congress long ago abandoned the idea of purposeful governing, they slapped together these three immigration bills without concern for constitutionality or feasibility. No bad idea from a backbench right-winger was too extreme. If these bills became law:

Immigrants could be indefinitely detained at the whim of the Department of Homeland Security. Hey, it hasn't worked at Guantanamo, but why not try it on U.S. soil?

The Attorney General could order immediate deportation of anyone deemed to be a member of a designated street gang, regardless of whether members had committed crimes. In other words, hanging around the wrong crowd, at least in the eyes of Alberto Gonzales, would be a deportable offense.

Federal courts hearing immigration cases would be instructed that any relief granted to immigrants would have to be the "minimum necessary" and "least intrusive" to government agencies. So if the government wrongly jailed you for 20 years, you might get released, but don't expect any compensation for the loss of your livelihood.

They say that desperate times call for desperate measures, and the Republican Party is clearly desperate to cling to power. I urge my colleagues to vote no.

Mr. SENSENBRENNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1018, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

COMMUNITY PROTECTION ACT OF 2006

Mr. SENSENBRENNER. Madam Speaker, pursuant to House Resolution 1018, I call up the bill (H.R. 6094) to restore the Secretary of Homeland Security's authority to detain dangerous aliens, to ensure the removal of deportable criminal aliens, and combat alien gang crime, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Protection Act of 2006".

TITLE I—DANGEROUS ALIEN DETENTION ACT OF 2006

SEC. 101. DETENTION OF DANGEROUS ALIENS.

Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(1) by striking "Attorney General" each place it appears, except for the first reference in paragraph (4)(B)(i), and inserting "Secretary of Homeland Security";

(2) in paragraph (1), by adding at the end of subparagraph (B) the following:

"If, at that time, the alien is not in the custody of the Secretary of Homeland Security (under the authority of this Act), the Secretary shall take the alien into custody for removal, and the removal period shall not begin until the alien is taken into such custody. If the Secretary transfers custody of the alien during the removal period pursuant to law to another Federal agency or a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall begin anew on the date of the alien's return to the custody of the Secretary, subject to clause (ii).";

(3) by amending clause (ii) of paragraph (1)(B) to read as follows:

"(i) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the date the stay of removal is no longer in effect.";

(4) by amending paragraph (1)(C) to read as follows:

"(C) SUSPENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to make all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary of Homeland Security's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspires or acts to prevent the alien's removal subject to an order of removal.";

(5) in paragraph (2), by adding at the end of the following: "If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administratively final order of removal, the Secretary, in the exercise of the Secretary's discretion, may detain the alien during the pendency of such stay of removal.";

(6) by amending paragraph (3)(D) to read as follows:

"(D) to obey reasonable restrictions on the alien's conduct or activities, or perform affirmative acts, that the Secretary of Homeland Security prescribes for the alien, in order to prevent the alien from absconding, or for the protection of the community, or for other purposes related to the enforcement of the immigration laws.";

(7) in paragraph (6), by striking "removal period and, if released," and inserting "removal period, in the discretion of the Secretary of Homeland Security, without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien"; and

(8) by redesignating paragraph (7) as paragraph (10) and inserting after paragraph (6) the following:

"(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding such section, that the alien shall not be returned to custody unless either the alien violates the conditions of the alien's parole or the alien's removal becomes reasonably foreseeable, but in no circumstance shall such alien be considered admitted.

"(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS WHO HAVE MADE AN ENTRY.—The following procedures apply only with respect to an alien who has effected an entry into the United States. These procedures do not apply to any other alien detained pursuant to paragraph (6):

"(A) ESTABLISHMENT OF A DETENTION REVIEW PROCESS FOR ALIENS WHO FULLY COOPERATE WITH REMOVAL.—For an alien who has made all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary of Homeland Security's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, and has not conspired or acted to prevent removal, the Secretary shall establish an administrative review process to determine whether the alien should be detained or released on conditions. The Secretary shall make a determination whether to release an alien after the removal period in accordance with subparagraph (B). The determination shall include consideration of any evidence submitted by the alien, and may include consideration of any other evidence, including any information or assistance provided by the Secretary of State or other Federal official and any other information available to the Secretary of Homeland Security pertaining to the ability to remove the alien.

"(B) AUTHORITY TO DETAIN BEYOND THE REMOVAL PERIOD.—

"(i) IN GENERAL.—The Secretary of Homeland Security, in the exercise of the Secretary's discretion, without any limitations other than those specified in this section, may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period as provided in paragraph (1)(C)).

"(ii) SPECIFIC CIRCUMSTANCES.—The Secretary of Homeland Security, in the exercise of the Secretary's discretion, without any limitations other than those specified in this section, may continue to detain an alien beyond the 90 days authorized in clause (i)—

"(I) until the alien is removed, if the Secretary determines that there is a significant likelihood that the alien—

"(aa) will be removed in the reasonably foreseeable future; or